

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

JULY 14 2004 P 0017  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF MASSACHUSETTS

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BOSTON ARCHDIOCESAN )  
TEACHERS' ASSOCIATION )  
 )  
V. ) DOCKET NO. 04-11197MLW  
 )  
ARCHDIOCESAN CENTRAL HIGH )  
SCHOOLS, INC., NORTH CAMBRIDGE )  
CATHOLIC HIGH SCHOOL, INC., )  
CATHEDRAL HIGH SCHOOL, INC., )  
MATIGNON HIGH SCHOOL, INC., POPE )  
JOHN XXIII HIGH SCHOOL, INC., BISHOP )  
FENWICK HIGH SCHOOL, INC., )  
CARDINAL SPELLMAN HIGH SCHOOL, )  
INC., MARIAN HIGH SCHOOL, INC., )  
AND ARCHBISHOP WILLIAMS HIGH )  
SCHOOL INC. )

**MOTION TO DISMISS OF DEFENDANTS, ARCHDIOCESAN CENTRAL HIGH SCHOOLS, INC., NORTH CAMBRIDGE CATHOLIC HIGH SCHOOL, INC., CATHEDRAL HIGH SCHOOL, INC., MATIGNON HIGH SCHOOL, INC., POPE JOHN XXIII HIGH SCHOOL, INC., BISHOP FENWICK HIGH SCHOOL, INC., CARDINAL SPELLMAN HIGH SCHOOL, INC., MARIAN HIGH SCHOOL, INC., AND ARCHBISHOP WILLIAMS HIGH SCHOOL INC., PURSUANT TO F.R.C.P. 12(b)(1),(2),(3) and (6)**

The Defendants, Archdiocesan Central High Schools, Inc., North Cambridge Catholic High School, Inc., Cathedral High School, Inc., Matignon High School, Inc., Pope John XXIII High School, Inc., Bishop Fenwick High School, Inc., Cardinal Spellman High School, Inc., Marian High School, Inc., and Archbishop Williams High School, Inc. motion this Honorable Court for the dismissal of Plaintiff's Complaint pursuant to 12(b)(1), (2),(3) and (6) of the Federal Rules of Civil Procedure. As grounds therefore, the Defendants state that the Plaintiff's Complaint relies upon a federal statute which is inapplicable to the Defendants and which cannot be relied upon as a basis of

establishing jurisdiction. As such, the Plaintiff's Complaint should be dismissed for lack of subject matter jurisdiction, lack of personal jurisdiction, improper venue, and for failing to state a claim upon which this Court could properly grant relief.

In support of this Motion, and in accordance with the Local Rules, the Defendants submit and rely upon their Memorandum of Reasons In Support of Motion To Dismiss Pursuant to F.R.C.P. 12(b)(1),(2),(3) and (6) and incorporate the same by reference herein. Defendants respectfully request that, on the basis of the foregoing, this Honorable Court dismiss the Plaintiff's Complaint.

**REQUEST FOR ORAL ARGUMENT**

The Defendants hereby request oral argument on this motion.

ARCHDIOCESAN CENTRAL HIGH  
SCHOOLS, INC., NORTH CAMBRIDGE  
CATHOLIC HIGH SCHOOL, INC.,  
CATHEDRAL HIGH SCHOOL, INC.,  
MATIGNON HIGH SCHOOL, INC., POPE  
JOHN XXIII HIGH SCHOOL, INC.,  
BISHOP FENWICK HIGH SCHOOL, INC.,  
CARDINAL SPELLMAN HIGH SCHOOL,  
INC., MARIAN HIGH SCHOOL, INC.,  
AND ARCHBISHOP WILLIAMS HIGH  
SCHOOL INC.,  
BY THEIR ATTORNEYS,

  
\_\_\_\_\_  
Sean P. Sweeney  
BBO #56211  
Murphy, Lamere, & Murphy, P.C.  
Ten Forbes Road West  
Braintree, MA 02185-9003  
(781) 848-1850

Dated: July 14, 2004

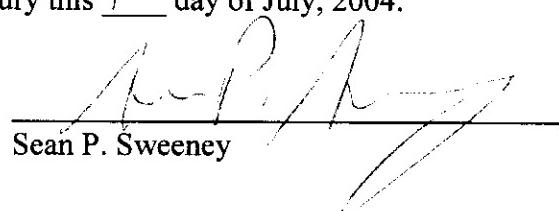
CERTIFICATE OF SERVICE

I, Sean P. Sweeney, Attorney for said Defendants, hereby certify that I have this day served copies of the foregoing documents on the Plaintiff and other Defendants by mailing, postage prepaid, directed to:

Kathryn Noonan, Esquire  
Terrence P. Noonan, Esquire  
Law Office of Kathryn Noonan  
1150 Walnut Street  
Newton, MA 02461

Wilson D. Rogers, Jr., Esquire  
Wilson D. Rogers, III., Esquire  
The Rogers Law Firm, P.C.  
One Union Street  
Boston, MA 02108

Signed under the pains and penalties of perjury this 14<sup>th</sup> day of July, 2004.

  
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Sean P. Sweeney